

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MALIBU MEDIA, LLC,

Plaintiff,

vs.

JOHN DOE,

Defendant.

CIVIL ACTION NO. 5-19-CV-00834-DAE

DECLARATION OF [REDACTED]

I, [REDACTED] declare pursuant to 28 U.S.C. § 1746 that the following statements are true and correct based on my personal knowledge:

1. I am over the age of 18, have never been convicted of a felony, and I am of sound mind.
2. I have executed another declaration in this matter and given deposition testimony. All of that testimony remains true and accurate, including my testimony denying using BitTorrent between 2017 and 2019 and denying ever viewing or accessing any of Malibu's films.
3. Early on through my attorneys, I gave Malibu the chance to settle by dropping the lawsuit where both sides would be responsible for their fees. But Malibu did not accept, even though I made clear to them that I would pursue my fees and costs if they chose to press their lawsuit.
4. My reputation is very important to me, both for personal and professional reasons.
5. That is why I have aggressively defended Malibu's lawsuit, including my counterclaims for abuse of process and unlawful network access.
6. In defending myself against Malibu, I have paid over \$80,000.00 in attorney's fees and

costs, and overall have set aside over \$100,000.00 for this case.

7. These costs are significant to me. I am not a millionaire. and have depleted a large part of my financial savings.
8. If I cannot recover my fees and allowable costs, it will impose serious financial harm on me and my family.
9. As well, Malibu's lawsuit and the time and money I have spent defending myself have caused significant emotional and physical stress. I have taken time away from work, lost sleep, and suffered from an ongoing illness exacerbated because of Malibu's lawsuit and my need to defend my reputation. I believe these will worsen if I cannot recover the costs of my defense.
10. The preliminary injunction I ask for will help me achieve some justice and account for the time, stress, and financial investments I have made in this case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: 7/5/2021

A large black rectangular redaction box covering a handwritten signature.